UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK DAVID VAZQUEZ, LEEANN MCNALLY, CRAIG MOORE, CHRIS PIERRE,

THOMAS SHARKEY AND DOREEN VAZQUEZ, individually and on behalf of all others similarly situated

others similarly situated,

Plaintiffs,

- against -

MIDLAND FUNDING, LLC, MIDLAND FUNDING, LLC DBA IN NEW YORK AS MIDLAND FUNDING OF DELAWARE, LLC, MIDLAND CREDIT MANAGEMENT, INC., RUBIN & ROTHMAN, LLC, FORSTER & GARBUS LLP, COHEN & SLAMOWITZ, LLP and PRESSLER AND PRESSLER LLP

Defendants.

Civil Action No. 2:14-cv-00018-JMA-AKT

AFFIDAVIT IN OF XENIA MURPHY REGARDING THE ACCOUNT OF PLAINTIFF VAZQUEZ

STATE OF RHODE ISLAND	)
	) ss
COUNTY OF KENT	)

- I, Xenia Murphy, swear, depose and say the following:
- 1. I am employed by Midland Credit Management, Inc. ("MCM") as a Director of Legal Outsourcing, and I have personal knowledge of this matter.
- 2. I make this affidavit in support of the motion for summary judgment of Midland Funding, LLC, Midland Funding, LLC DBA in New York as Midland Funding of Delaware, LLC (together "MF"), and MCM (collectively, "Midland").
- 3. In October of 2010, MF purchased a former Chase Manhattan Bank USA, N.A./WAMU ("Chase") account, owed by Plaintiff Doreen Vazquez ("Vazquez"), from then-current owner CACV of Colorado, LLC as part of a portfolio of charged-off debts.

- 4. I have personal knowledge of the fact that MF owns Vazquez' former Chase account by virtue of my work at MCM and my review of MCM's records applicable to Vazquez' debt.
- 5. Filed under seal as Murphy-Vazquez Ex. A and Bates stamped MCM-0062 to MCM-0067, is a true and correct copy, with certain redactions to protect proprietary information, the Bill of Sale and schedules between CACV of Colorado and MF showing that MF purchased the portfolio of charged-off debts, as well as the confidential Account Purchase Agreement between SquareTwo Financial Corporation, on behalf of itself and its wholly-owned subsidiaries, including CACV of Colorado and MF, Bates stamped MCM 1017 to MCM 1054.
- 6. Vazquez' delinquent debt obligation was included in the portfolio of charged-off debts transferred pursuant to Murphy-Vazquez Ex. A.
- 7. The information pertaining to this portfolio of charged-off debts was transferred to MCM in a computerized form through a media file containing the information applicable to each of the charged-off debts.
- 8. Attached hereto as Murphy-Vazquez Ex. B and Bates stamped MCM-0068 is a printed copy of the information provided by SquareTwo Financial Corp, CACV of Colorado, LLC and CACH, LLC pursuant to the Bill of Sale/Assignment of Accounts transferred on or about October 27, 2010, in connection with the sale of accounts from SquareTwo Financial Corp, CACV of Colorado, LLC and CACH, LLC to MF, identifying Vazquez' former Chase account as one of the purchased debts within the CACV of Colorado, LLC portfolio of accounts sold to MF.
- 9. CACV of Colorado, LLC provided MF with certain evidence of Vazquez' former Chase account, including an account statement from Chase, dated 4/17/09-5/16/09, reflecting Vazquez' name and providing the status of her Chase account, attached hereto as Murphy-Vazquez Ex. C and Bates stamped MCM-0069 to MCM-0070.
- 10. CACV of Colorado, LLC also provided MF a copy of the terms and conditions applicable to Vazquez' former Chase account, attached hereto as Murphy-Vazquez Ex. D and Bates stamped MCM-0071 to MCM-0079.

- 11. After acquiring Vazquez' former Chase debt, acting on behalf of MF, MCM sent Vazquez an initial collection letter, titled "Notice of New Ownership And Pre-Legal Review, on October 30, 2010. A true and correct copy of this letter, with certain redactions for privacy, is attached hereto as Murphy-Vazquez Ex. E and Bates stamped MCM-0080 to MCM-0082.
- 12. Attached hereto as Murphy-Vazquez Ex. F is a three page document (Bates stamped R&R #000 on each page) that is a true and correct copy of the Affidavit of Susan Rasmussen in Support of MF's Motion for Default Judgment against Vazquez utilized in connection with MF's suit to collect Vazquez' former Chase account.

Dated: Kent Rhode Island

Xenia Murphy

Midland Credit Management, Inc.

Sworn to before me this
30 day of August 2016

Notary Public

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